

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY SAIGON

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C O R R E C T E D C O P Y (GARBLED THROUGHOUT)

FOLLOWING SENT SECSTATE WASHDC INFO GENEVA FROM USUN NEW
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TAGS: PLOS

SUBJ: LOS CONFERENCE SCHEDULING FOR 1975

THERE FOLLOWS TEXT OF AIDE-MEMOIRE WITH DRAFT
UNGA RES, RECEIVED FROM CONFERENCE PRESIDENT
AMERASINGHE, WHICH WE UNDERSTAND IS SIMULTANEOUSLY
BEING GIVEN OTHER UN MEMBERS TODAY;

QUOTE

ITEM 26 OF THE AGENDA OF THE TWENTY-NINTH SESSION OF THE
GENERAL ASSEMBLY "THIRD UNITED NATIONS CONFERNENCE ON THE
LAW OF THE SEA" HAS BEEN ALLOCATED THE PLENARY. THE PRESIDENT
WOULD LIKE MEMBERS OF THE UNITED NATIONS TO CONSIDER
THE PROCEDURE THAT SHOULD BE ADOPTED IN THE PLENARY
IN RELATION TO THE ITEM AND THE NATURE OF THE DRAFT RESOLUTION
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THAT SHOULD BE SUBMITTED TO THE GENERAL ASSEMBLY FOR APPROVAL. OPERATIVE PARAGRAPH 4 OF GENERAL ASSEMBLY RESOLUTION 3067 (XXVII) CONTAINS THE GENERAL ASSEMBLY'S DECISION THAT THE CONFERENCE CONVEENE NOT LATER THAN 1975 ANY SUBSEQUENT SESSION OR SESSIONS AS MAY BE DECIDED UPON BY THE CONFERENCE. AT THE SECOND SESSION HELD IN CARACAS, IT WAS AGREED THAT THE CONFERENCE HAD COMPLETED HEARING GENERAL STATEMENTS AND THAT AT THE VERY START OF THE NEXT SESSION THE PROCESS OF NEGOTIATIONS SHOULD BE INITIATED.

THE CONFERENCE ALSO DECIDED THAT ITS NEXT SESSION BE HELD GENEVA DURING THE PERIOD 17 MARCH TO 3 MAY 1975, OR IF POSSIBLE TO 10 MAY 1975 HAVING REGARD TO THE ARRANGEMENTS MADE FOR THE ANNUAL SESSION OF THE WORLD HEALTH ASSEMBLY OF THE WORLD HEALTH ORGANIZATION. IT HAS BEEN ASCERTAINED THAT SUITABLE ARRANGEMENTS COULD BE MADE TO ENABLE THE CONFERENCE TO CONTINUE ITS THIRD SESSION UNTIL 10 MAY 1975 IN GENEVA. THE DECISION OF THE CONFERENCE REQUIRES THE GENERAL ASSEMBLY'S APPROVAL AND AN APPROPRIATE OPERATIVE PARAGRAPH TO THIS EFFECT MUST BE INCLUDED IN THE DRAFT RESOLUTION.

THE PRESIDENT WOULD ALSO SUGGEST THAT SERIOUS THOUGHT BE GIVEN TO THE NEED FOR A FURTHER SESSION DURING 1975 IN ORDER TO ENABLE THE CONFERENCE TO REACH FINAL AGREEMENT ON A DRAFT TREATY AND RELATED INSTRUMENTS. IT WOULD APPEAR IMPOSSIBLE, IF THE CONFERENCE WERE TO COMPLY WITH THE RULES OF PROCEDURE RELATING TO THE GENTLEMAN'S AGREEMENT, NAMELY RULE 54 IN THE CASE OF THE MAIN COMMITTEES AND RULE 39 IN THE CASE OF THE PLENARY, AND ALSO IF THE DRAFTING COMMITTEE WERE TO BE ALLOWED SUFFICIENT TIME TO PREPARE THE FINAL TEXTS, EVEN ON THE ASSUMPTION THAT NEGOTIATIONS HAVE BEEN CONCLUDED, FOR THE CONFERENCE TO COMPLETE ITS WORK DURING THE EIGHT WEEKS ALLOCATED TO THE SPRING SESSION IN GENEVA. IN THESE CIRCUMSTANCES, PROVISION MUST BE MADE FOR A FOURTH SESSION TO BE HELD, IF NECESSARY, IN THE SUMMER OF 1975 AND THE QUESTION OF VENUE SHOULD ALSO BE DECIDED AT THE SAME TIME WITHOUT DELAY. IT WOULD BE NECESSARY TO CONSULT THE GOVERNMENT OF AUSTRIA IN ORDER TO DETERMINE WHETHER THE INVITATION TO THE CONFERENCE TO HOLD A SESSION IN VIENNA WOULD APPLY TO THE FOURTH SESSION, IF ONE SHOULD BECOME NECESSARY, IN ORDER TO ENABLE THE CONFERENCE LIMITED OFFICIAL USE

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TO COMPLETE ITS WORK. SHOULD THE GOVERNMENT OF AUSTRIA BE UNABLE, IN THESE CIRCUMSTANCES, TO KEEP OPEN ITS INVITATION TO ACT AS HOST TO THE CONFERENCE, IT WOULD BE NECESSARY TO CONSIDER AN ALTERNATIVE VENUE. AS THE CONFERENCE IN CARACAS AGREED THAT IT HAD COMPLETED HEARING GENERAL STATEMENTS, THE PRESIDENT WOULD SUGGEST THAT, WHEN THE ITEM COMES UP IN THE

PLenary, the discussion of substantive issues be avoided. Such a discussion would appear to fall outside the competence of the General Assembly as the subject is being dealt with by a conference of plenipotentiaries. The discussion of item 26 in the Plenary should, therefore, be confined to matters of procedure.

The General Assembly would also have to be informed of the acceptance by the conference of the invitation extended by the Government of Venezuela to the conference to meet in Caracas at appropriate date for a short period for the specific purpose of signing the final act and other related instruments adopted by the conference.

A draft resolution is attached for consideration. It is being sent to all states and groups that attended the Third United Nations Conference on the Law of the Sea either as full participants or as observers.

The General Assembly, recalling its resolution 3067 (XXVIII) and in particular operative paragraph 4 of that resolution containing the decision to convene the second session of the conference for the purpose of dealing with the substantive work of the conference, for a period of ten weeks from 20 June to 29 August 1974 at Caracas and, if necessary, to convene not later than 1975 any subsequent session or sessions as may be decided upon by the conference and approved by the General Assembly.

Noting the letter addressed to the President of the General Assembly on 29 August by the President of the conference regarding the decisions reached at the second session held at Caracas (A/9721), noting further the decision of the conference to invite national liberation movements recognized by the Organization of African Unity and the League of Arab States to participate in its proceedings as observers without the right to vote,

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1. APPROVES THE DECISION OF THE CONFERENCE, AS CONTAINED IN THE LETTER OF ITS PRESIDENT TO THE PRESIDENT OF THE GENERAL ASSEMBLY (A/97721), TO CONVENE THE THIRD SESSION OF THE CONFERENCE FOR THE PERIOD 17 MARCH TO (10) MAY 1975 IN GENEVA;
2. AUTHORIZES THE CONFERENCE TO HOLD A FURTHER SESSION, IF IT DECIDES THAT THIS IS NECESSARY, FOR A PERIOD NOT EXCEEDING (----) WEEKS IN (----) IN (JULY/AUGUST) 1975;
3. APPROVES THE RECOMMENDATION OF THE CONFERENCE THAT:
(A) PAPUA NEW GUINEA, WHICH IS ALREADY CONDUCTING ITS OWN RELATIONS AS AN INDEPENDENT NATION, SHOULD BE INVITED, IF INDEPENDENT, TO ATTEND ANY FUTURE SESSION OF THE CONFERENCE AS A PARTICIPATING STATE OR, IF NOT YET INDEPENDENT, TO ATTEND

AS AN OBSERVER;

(B) THE COOK ISLANDS, SURINAM, THE NETHERLANDS ANTILLES AND THE WEST INDIES ASSOCIATED STATES SHOULD BE INVITED TO ATTEND ANY FUTURE SESSION OF THE CONFERENCE AS OBSERVERS OR, SHOULD THEY BY THAT TIME BE INDEPENDENT, TO ATTEND AS PARTICIPATING STATES;

4. NOTES THE DECISION OF THE CONFERENCE TO ACCEPT THE INVITATION OF THE GOVERNMENT OF VENEZUELA TO MEET IN CARACAS AT AN APPROPRIATE DATE FOR THE PURPOSE OF SIGNING THE FINAL ACT AND RELATED INSTRUMENTS ADOPTED BY THE CONFERENCE. UNQUOTE SCALI UNQUOTE INGERSOLL

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